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EXAMINER

KWIECINSKI, RYAN D

ART UNIT

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3635

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/018,967	<b>Applicant(s)</b> SOBEK, WERMER	
	<b>Examiner</b> RYAN D. KWIECINSKI	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 May 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, **the support structure per claim 21 and the thin metal sheet per claim 34** must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

**Claim 22 and 25 are objected to because of the following informalities:**

**Claim 22, line 1**, it appears "claim 20" should be --claim 21--.

**Claim 25, line 2**, "said rigid reinforcing element" is vague, indefinite, and confusing as lacking antecedent basis because it is unclear if this recitation refers to "the reinforcing element" claimed in claim 21 or if it referring to another "rigid" reinforcing element.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 25** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. **The claim has been examined as best understood.**

Regarding claim 25, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 21-23, 25-26, 29, 34, and 37-40 are rejected under 35 U.S.C. 102(b) as being anticipated by US 2,381,194 to Watkins.**

**Claims 21-23, 25-26, 29, 34, and 37-40:**

Watkins discloses a composite panel system, comprising:

at least two panel elements (40, 41, Fig.7) of the same materials (Column 3, lines 5-6);

an intermediate layer (43, 44, Fig.7) of an adhesive plastic for joining said at least two panel elements;

a reinforcing element (45, Fig.7) embedded in said intermediate layer;

a support structure (52, Fig.9), wherein:

the composite panel system is retained for mechanical fastening to said support structure and/or said reinforcing element is retained for mechanical coupling on said support structure (the recitation is a capability statement, the structure is capable of being fastened to a support structure, Fig.9);

a rigid fastening device (39, Fig.7) which has a fastening zone embracing the composite panel system and has a size such that even if the composite panel system breaks reinforcing anchoring is assured;

said rigid fastening device is provided (Fig.8) continuously along one edge of the composite panel system;

said rigid reinforcing element is connectable inside the composite panel system to said support structure (Fig.9);

said reinforcing element on at least one edge of the composite panel system extends out of the composite panel system and is connectable on its out periphery to said support structure (Fig.9);

said reinforcing element is of metal (Column 3, line 14);

said reinforcing element is formed by a thin metal sheet (Column 3, line 14);

said intermediate layer comprises two partial layers (43, 44, Fig.7); and

said reinforcing element is placed between said two partial layers (Fig.7);

said reinforcing element is placed between said at least two panel elements that are kept spaced apart and is potted, forming said intermediate layer (Fig.9);

the system is embodied as an overhang glazing (a recitation of use, this recitation does not provide additional structure to the panel, Column 1, paragraph 1-3 shows the panel is capable as being used as an overhead glazing);

the system is embodied as a glazing that can be walked on or that secures against collapse (a recitation of use, this recitation does not provide additional structure to the panel, Column 1, paragraph 1-3 shows the panel is capable as being used as an overhead glazing)..

**Claims 21, 27, 31-32, 36, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,040,352 in view of Oberlander et al.**

**Claims 21, 27, 31-32, 36, and 39:**

Oberlander et al. discloses a composite panel system, comprising:

- at least two panel elements (3, 4, Fig.2) of the same materials;
- an intermediate layer (5, Fig.2) of an adhesive plastic for joining said at least two panel elements;
- a reinforcing element (2, Fig.2) embedded in said intermediate layer; and
- a support structure (7, Fig.6), wherein:
  - the composite panel system is retained for mechanical fastening to said support structure and/or said reinforcing element is retained for mechanical coupling on said support structure (the recitation is a capability statement, the structure is capable of being fastened to a support structure, Fig.6);
  - said reinforcing element is provided over the entire surface of said at least two panel elements (Figs. 1-5);
  - said reinforcing element is a grid (Fig.3);
  - said reinforcing element is formed by threads (Column 2, lines 15-17);
  - said reinforcing element is profiled (2, Fig.1-5);
  - the system is embodied as an overhead glazing (a recitation of use, this recitation does not provide additional structure to the panel).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 21-22, 30, and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 3,305,623 to Bakker et al. in view of US 5,040,352 to Oberlander et al.**

**Claim 21:**

Bakker et al. discloses a composite panel system, comprising:

at least two panel elements of the same materials (1, 2, Fig.2);

an intermediate layer of a plastic (Column 2, lines 2-3);

a reinforcing element (3, Fig.2) embedded in said intermediate layer;

a support structure (8, Fig.2), wherein:

the composite panel system is retained for mechanical fastening to said support structure and/or said reinforcing element is retained for mechanical coupling on said support structure (the recitation is a capability statement, the structure is capable of being fastened to a support structure, Fig.2);

Bakker et al. does not disclose an adhesive plastic for joining said at least two panel elements.



Oberlander et al. discloses an adhesive plastic (5, Fig.2) for joining said at least two panel elements.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the panel of Bakker et al. with an intermediate layer of adhesive plastic in order to reduce the number of materials used by eliminating the use of additional adhesives as well as the time it takes to apply those adhesives as taught by Oberlander et al.

**Claims 22, 30, and 34-35:**

Bakker et al. in view of Oberlander et al. disclose the composite panel system of claim 21, Bakker et al. also disclose further comprising:

a rigid fastening device (7, Fig.2) which has a fastening zone embracing the composite panel system and has a size such that even if the composite panel system breaks reinforcing anchoring is assured (the size of the fastening device is all relative to the size of the panel system and the panel of Bakker et al. is capable of having a fastening device 7 that is sized to assure reinforcing anchoring);

said reinforcing element is formed by a woven fabric (Column 1, lines 65-71);

said reinforcing element is formed by a thin metal sheet (Column 1, lines 65-71; Column 2, lines 39-43);

said thin metal sheet is provided with perforations (Column 2, lines 39-43) by which the support structure is guided.

**Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 3,305,623 to Bakker et al. in view of US 5,040,352 to Oberlander et al. in view of US 5,636,484 to DeBlock.**

**Claim 24:**

Bakker et al. in view of Oberlander et al. disclose the composite panel system of claim 22, but do not disclose wherein said fastening device is provided in the form of a clamping construction with high transverse pressure.

DeBlock discloses wherein said fastening device is provided in the form of a clamping construction (140a, 148a, Fig. 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the panel of Bakker et al. with a clamping construction fastening device taught by DeBlock in order to be able to easily tighten, loosen, or remove the fastening device from the panel system. The fastening device is not permanently attached which will allow the panel to be replaced if damaged.

**Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,040,352 to Oberlander et al. in view of US 4,058,581 to Park.**

**Claim 28:**

Oberlander et al. disclose the panel system of claim 21, but do not disclose the reinforcing element being formed from glass or carbon fibers.

Park discloses fiber reinforced plastics with embedded glass or carbon fibers (Column 3, lines 14-15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the reinforcing material out of glass or carbon fibers taught by Park since both materials are notoriously well known fibers used in reinforcing plastic panel constructions. Glass and carbon fibers both have the necessary material properties to be used as structural reinforcing materials.

**Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,040,352 to Oberlander et al. in view of US 2,381,194 to Watkins.**

**Claim 33:**

Oberlander et al discloses the panel system of claim 32, but do not disclose wherein the reinforcing element extends out of the said at least two panel elements in one direction.

Watkins discloses wherein the reinforcing element extends out of (45, Fig.9) the said at least two panel elements in one direction.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the panel of Oberlander et al. with the reinforcing elements extending out of the two panel elements of the panel system in order to

secure the open ends of the reinforcing element to the surrounding support structure as taught by Watkins. Securing the reinforcing element to the surrounding structure will assure that the panel is firmly attached to the structure since the reinforcing elements are embedded in the intermediate layer of the panel system.

### ***Response to Arguments***

Applicant's arguments with respect to claims 21-40 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN D. KWIECINSKI whose telephone number is (571)272-5160. The examiner can normally be reached on Monday - Friday from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Canfield can be reached on (571)272-6840. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RDK

/Ryan D Kwiecinski/  
Examiner, Art Unit 3635

**/Robert J Canfield/**

**Supervisory Patent Examiner, Art Unit 3635**